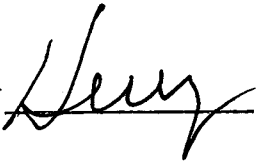


By



S.B. No.

828

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the 253rd Judicial District, composed of Caldwell, Comal and Hays Counties; prescribing in addition to its jurisdiction as a district court special jurisdiction over the county courts in said counties; amending Subchapter C, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), by adding Section 3.049; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Subchapter C, Judicial Districts Act of 1969, as amended (Article 199a, Vernon's Texas Civil Statutes), is amended by adding Section 3.049 to read as follows:

"Section 3.049. (a) The 253rd Judicial District is hereby created.

"(b) The District Court for the 253rd Judicial District shall have and exercise jurisdiction over all matters, both civil and criminal, of which jurisdiction is given or shall be given by the Constitution and Laws of Texas to district courts. The 253rd District Court shall have concurrent jurisdiction with the 22nd District Court of Caldwell, Comal and Hays Counties.

"(c) The District Court for the 253rd Judicial District shall have and exercise special jurisdiction over the County Courts of Caldwell, Comal and Hays Counties over all matters, both civil and criminal, exclusive of the jurisdiction of a county court in probate matters, of which jurisdiction is given or shall be given by the Constitution and Laws of Texas to County Courts.

"(d) The jurisdiction of the county courts of Caldwell, Comal and Hays is not changed.

"(e) The county clerks of Caldwell, Comal and Hays Counties shall, at the request of the district judge of the 253rd District Court, within 30 days after this Act takes effect, file with the

clerk of the 253rd District Court all original papers in cases designated by such judge within the special jurisdiction of the 253rd District Court and all judge's dockets and certified copies of any interlocutory judgment or other order entered in the minutes of the county court in the cases so transferred. The district clerk shall immediately docket all such cases on the docket of the 253rd District Court. All such cases shall stand on the docket of the district court in the same manner and place as each stands on the docket of the county court. It shall not be necessary that the district clerk refile any papers theretofore filed by the county court, but papers in the case bearing the file mark of the county clerk prior to the time of the transfer shall be held to have been filed in the case as of the date filed without being refiled by the district clerk. The county clerk in cases so transferred shall accompany the papers with a certified bill of cost, and against all cost deposits, if any, the county clerk shall charge accrued fees due him, and the remainder of the deposit he shall pay to the district clerk as a deposit in the particular case for which deposited. Credit shall be given litigants for all jury fees paid in the county court.

"(f) This section shall not be construed to in anywise or manner affect final judgments heretofore rendered by the county courts of said counties pertaining to matters and causes which by this section are transferred to the district court. The county court shall retain jurisdiction to enforce those final judgments and the county clerk of the county shall issue all writs of execution and orders of sale and proceedings thereunder, and his act in so doing shall be valid and binding to all intents and purposes the same as if no change had been made as set out in this Act."

Sec. 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Relating to the creation of the 253rd Judicial District
composed of Caldwell, Comal and Hays Counties.

APR 10 1973

APR 18 1973

Filed with the Secretary of the Senate
Read, referred to Committee on JURISPRUDENCE
Reported favorably.
Reported adversely, with favorable Committee Substitute; Committee Substitute
read first time.
Ordered not printed.
Senate and Constitutional Rules to permit consideration suspended by
 { unanimous consent.
 { _____ yeas, _____ nays.
To permit consideration, reading and passage, Senate and Constitutional Rules
suspended by vote of _____ yeas, _____ nays.
Read second time and { ordered engrossed.
 { passed to third reading.
Caption ordered amended to conform to body of bill.
Senate and Constitutional 3-Day Rules suspended by vote of
_____ yeas, _____ nays to place bill on third reading and final passage.
Read third time and passed by { a viva-voce vote.
 { _____ yeas, _____ nays.

OTHER ACTION:

Secretary of the Senate

Engrossed
Sent to HOUSE

ENGROSSING CLERK